

Supporting Document 2



California Regional Water Quality Control Board

San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

August 9, 2000

Certified Mail – Return Receipt Requested
Z 176 916 880

Mr. & Mrs. Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

**ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER NO. 2000-23 BY THE
REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) ON FEBRUARY 9, 2000;
FACILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY**

On February 16, 2000, you were sent ACL No. 2000-23, adopted by the RWQCB on February 9, 2000 (enclosed). The cover letter described the two conditions that you were to meet by specified dates, and the full amount of the ACL was suspended provided that both conditions were met. The second condition requested submittal of a corrective action plan for remediation of ground water pollution from the Budget Trade & Gas facility, due August 7, 2000. By close of business (5:00 p.m.) on August 7, 2000, a corrective action plan had not been received.

The adoption of Order No. 2000-23 imposes upon you a civil liability assessment of \$35,680 for failure to submit a workplan and corrective action plan as required by California Regional Water Quality Control Board pursuant to California Water Code 13267, and is payable immediately. A cashier's check must be made payable to the State Water Resources Control Board, and mailed to the California Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Blvd., Suite A, San Diego, CA 92124-1324.

California Water Code Section 13323(d) requires civil liability assessments to be paid no later than 30 days from the date on which the order was adopted. Penalties for noncompliance with Order No. 2000-23 are severe and include administrative civil liability of up to \$10,000 for each day the violation occurs, criminal prosecution, or both.

If you have any questions regarding this matter, please contact me (858) 467-2987 or Sue Pease at (858) 637-5596.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

California Environmental Protection Agency

Recycled Paper



50-2661.05

Mr. & Mrs. Hsu

- 2 -

August 9, 2000

JHR:jpa:sjp c:hsuaclett.doc

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board,
Sacramento

Darryl Fowler
County of San Diego, Department of Environmental Health
P.O. Box 129261
San Diego, CA 92122-9261

David M. Henry, R.G., REA
Hazard Management Consulting, Inc.
211 West Avenida Cordoba, Suite 200
San Clemente, CA 92672

K.T. Mao
1514 Curtis Street
Denver, Colorado 80202-5760

Jim Leist, Project Manager
Environmental Engineering & Contracting, Inc.
515 N. Cabrillo Park Drive, Suite #120
Santa Ana, CA 92701

Ms. Judy Reid
Clean Waters Program
State UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120





Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Diego Region

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Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

CERTIFIED MAIL RETURN RECEIPT REQUESTED
Z 176 916 838

February 16, 2000

Mr. & Mrs. Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 2000-23 BY THE
REGIONAL WATER QUALITY CONTROL BOARD ON FEBRUARY 9, 2000
FACILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY

Attached please find Administrative Civil Liability (ACL) Order No. 2000-23 as adopted
by Regional Water Quality Control Board, San Diego Region (SDRWQCB) on February
9, 2000.

Complaint No. 2000-23 for ACL was issued on January 12, 2000, and listed the specific
allegations in this matter. The adoption of ACL Order No. 2000-23 imposes upon Mr. &
Mrs. Hsu, Budget Trade & Gas facility, San Diego County, a civil liability assessment of
\$35,680 for failure to submit a workplan and a corrective action plan as required by
California Regional Water Quality Control Board pursuant to Water Code 13267. The
amount of \$35,680 is suspended provided that both of the following conditions are met:

- a. Mr. & Mrs. Hsu shall submit to the Regional Board a workplan for full
delineation, vertical and horizontal, on-site and off-site, of ground water
pollution from the Budget Trade & Gas facility, due **March 10, 2000**.
- b. Mr. & Mrs. Hsu shall submit to the Regional Board a corrective action plan for
remediation of ground water pollution from the Budget Trade & Gas facility,
due **August 7, 2000**.

If you fail to satisfy either of the conditions above, the full amount of civil liability will
become immediately and automatically due on the date of failure, and shall be payable
within 30 days of becoming due. At that time, a cashier's check in the amount of
\$35,680 will be made payable to the California State Water Resources Control Board,
and mailed to the California Regional Water Quality Control Board, San Diego Region,
9771 Clairemont Mesa Blvd., Suite A, San Diego, California 92124-1324.

California Environmental Protection Agency

Mr. & Mrs. Hsu

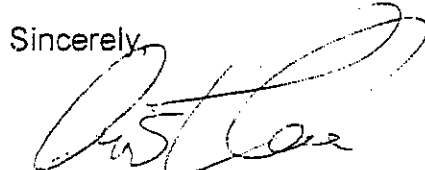
- 2 -


February 16, 2000

Pursuant to California Water Code (CWC) Section 13323(d), the civil liability assessment must be paid no later than 30 days from the date on which it becomes due. Penalties for noncompliance with Order No. 99-70 are severe and include administrative civil liability of up to \$10,000 for each day the violation occurs, criminal prosecution, or both.

If you have any questions regarding this matter, please contact Ms. Susan Pease at (858) 637-5596.

Sincerely,



 JOHN H. ROBERTUS
Executive Officer
San Diego Regional Water Quality Control Board

Enclosures: Administrative Civil Liability Order No. 2000-23

JHR:jpa:sjp

CC: Darryl Fowler (with enclosure), San Diego County Department of
Environmental Health
Mr. K.T. Mao (with enclosure)
1514 Curtis Street
Denver, Colorado 80202-5760

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 2000-23
BUDGET TRADE & GAS
SAN DIEGO COUNTY

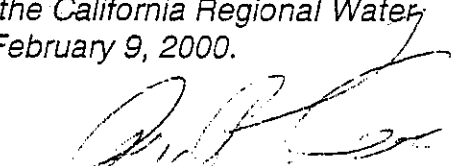
Based upon the record contained in its files and the testimony presented at the hearing on this matter, conducted in San Diego on February 9, 2000, the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Mr. & Mrs. Hsu admit that they have failed to submit a workplan by August 1, 1999 for full vertical and horizontal delineation of the extent of ground water pollution associated with the release of petroleum hydrocarbon fuel from leaking underground storage tanks at Budget Trade & Gas, 510 West 5th Avenue, Escondido; and a corrective action plan for the discharge by September 1, 1999, as required by the California Regional Water Quality Control Board, San Diego Region pursuant to WC 13267.
2. Mr. & Mrs. Hsu have not submitted the required technical reports to the Regional Board as of the date of this order.
3. The Regional Board was precluded from conducting a hearing on this violation in December 1999.
4. The amount of civil liability recommended by the Executive Officer in Complaint No. 2000-23, based on a period of violation extending from August 2, 1999 until December 9, 1999 for the workplan, and September 2, 1999 until December 9, 1999 for the corrective action plan (when the Regional Board would have considered this matter but for the lack of a quorum of members) and on consideration of the factors set forth in Section 13327 of the Water Code, as described in the Technical Report for this matter is appropriate.
5. Equitable considerations, including financial hardship, lack of proficiency in the English language, lack of regular contact between regulatory agencies and Mr. & Mrs. Hsu's counselor, K.T. Mao, and Mr. & Mrs. Hsu's commitment to expeditious compliance with the order of the Regional Board and orders of San Diego County Department of Environmental Health justify suspension of the payment of civil liability in this case.
6. Mr. & Mrs. Hsu should be able to submit the workplan to the Regional Board before the end of the February 2000, and should be able to prepare and submit the corrective action plan to the Regional Board within 6 months.
7. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulation.

IT IS HEREBY ORDERED, that,

1. Administrative Civil Liability is imposed on Mr. & Mrs. Hsu in the amount of \$35,680.
2. The amount of \$35,680 is hereby suspended provided that both of the following conditions are met:
 - a. Mr. & Mrs. Hsu shall submit to the Regional Board a workplan for full delineation, vertical and horizontal, on-site and off-site, of ground water pollution from the Budget Trade & Gas facility, due **March 10, 2000**.
 - b. Mr. & Mrs. Hsu shall submit to the Regional Board a corrective action plan for remediation of ground water pollution from the Budget Trade & Gas facility, due **August 7, 2000**.
3. If Mr. & Mrs. Hsu fail to satisfy either of the conditions in 2 above, the full amount of civil liability assessed by the Regional Board, \$35,680, will become immediately and automatically due on the date of such failure; the liability shall be payable within 30 days of becoming due.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2000.



JOHN H. ROBERTUS
Executive Officer

JHR:jpa:sjp

Z 176 916 880

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

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Chung Kuon Hsu	
Street & Number	
510 W. 5th Ave	
Post Office, State, & ZIP Code	
Escondido, CA 92025	
Postage	\$ 1.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$3.20
Postmark or Date	
August 11, 2000	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address.

CERTIFIED

Z 176 916 880

MAIL

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3. Article Addressed to: Mr. & Mrs. Chung Kuon Hsu Budget Trade & Gas 510 West 5th Avenue Escondido, CA 92025		4a. Article Number Z 176 916 880	
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X <i>Chung Kuon Hsu</i>		7. Date of Delivery 081200	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)	

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